

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HILTON KARRIEM MINCY, }  
v. Plaintiff, } Civil Action No. 09-236 Erie  
SECURITY LIEUTENANT WILLIAM P. }  
McCONNELL, *et al.*, } Defendants. }

**MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on September 10, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [26], filed on July 15, 2010, recommends that the Defendants' Partial Motion for Dismiss [21] be granted in part and denied in part. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at the Clinton County Prison in McElhattan, Pennsylvania, where he is currently incarcerated, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6<sup>th</sup> day of August, 2010;

IT IS ORDERED THAT Defendants' Partial Motion to Dismiss the complaint [21] be, and hereby is, GRANTED in part and DENIED in part, as follows:

1. Said motion is GRANTED with respect to Defendants Showers, Cole, and Kusiak, inasmuch as Plaintiff has failed to allege their personal involvement in the challenged conduct, and those Defendants shall be terminated from this case; and
2. Said motion is DENIED in all other respects.

The Report and Recommendation of Magistrate Judge Baxter [26], dated July 15, 2010, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN  
Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
United States Magistrate Judge Baxter